

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS, TEXAS

UNITED STATES OF AMERICA

VS.

MICHAEL DAVID CARROLL (01)

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CAUSE NO. 3:13-CR-00076-N
(ECF)

**DEFENDANT'S UNOPPOSED MOTION TO EXTEND
REPORT DATE TO BEGIN SENTENCE**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the Defendant, MICHAEL DAVID CARROLL, and submits this request for a delay in his report date to begin his sentence and would show the following:

I.

Mr. Carroll was sentenced to the custody of the United States Bureau of Prisons for a total of 70 months. He was ordered to surrender for service of his sentence before 2:00 p.m. on May 19, 2014.

II.

Mr. Carroll retained Robert N. Udashen and Katherine L. Reed of Sorrels, Udashen & Anton in Dallas to represent him in this case.

III.

Mr. Carroll had absolutely no criminal history prior to his conviction in this cause. Clearly, he is not a flight risk or danger to the community and will appear at any time designated by the court.

IV.

Mr. Carroll asks that his report date be extended approximately 60 days to July 15, 2014, because of the following:

1. Robert N. Udashen and Katherine L. Reed are reviewing Michael Carroll's case

for purposes of direct appeal and for a possible 2255 motion. It would be very helpful to Mr. Udashen and Ms. Reed to have Mr. Carroll readily available for a period of time to discuss the presentence investigation report, government discovery, the records of Mr. Carroll's guilty plea and sentencing hearings,¹ etc.

2. Mr. Carroll is employed by Don Ross Nabb Production Companies as the corporate executive chef. This is a position Mr. Carroll has held for 15 years. Don Ross Nabb is in the process of hiring and training personnel to take Mr. Carroll's place. Mr. Nabb requests that Mr. Carroll's report date be delayed so that Mr. Carroll can train his replacement or replacements and so that Mr. Carroll can help with special events booked through the middle of July. (See Exhibit A). It would cause a financial hardship on Mr. Nabb's company to lose Mr. Carroll before a properly trained replacement is in place.

3. Mr. Carroll has a lap band for weight control. He has an appointment with his doctor on April 24, 2014, to determine if the lap band must be removed before he reports to prison. If the doctor recommends removal, this will require surgery that will necessitate a period of recovery.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that this motion be granted and the date for the Defendant to report to begin service of his sentence be delayed to July 15, 2014.

¹The records of the guilty plea and sentencing hearings have not yet been prepared.

Respectfully submitted,

/s/ Robert N. Udashen
ROBERT N. UDASHEN, P.C.
Bar Card No. 20369600
rnu@sualaw.com

/s/ Katherine L. Reed
KATHERINE L. REED
Bar Card No. 24061307
katherine@sualaw.com

SORRELS, UDASHEN & ANTON
2311 Cedar Springs Road
Suite 250
Dallas, Texas 75201
(214) 468-8100
Fax (214) 468-8104

Attorneys for Defendant

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing Defendant's Motion to Extend Report Date to Begin Sentence was delivered to David L. Jarvis, Assistant United States Attorney, 1100 Commerce Street, Suite 300, Dallas, Texas 75242, electronically to david.jarvis@usdoj.gov, on this the 11th day of April, 2014.

/s/ Robert N. Udashen
ROBERT N. UDASHEN

CERTIFICATE OF CONFERENCE

On April 11, 2014, David L. Jarvis, Assistant United States Attorney, advised that the government is not opposed to Mr. Carroll's report date being extended.

/s/ Robert N. Udashen
ROBERT N. UDASHEN, P.C.